UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,029	02/21/2002	Michael Wayne Brown	AUS920010846US1	1644

43307	7590	08/04/2005

IBM CORP (AP)
C/O AMY PATTILLO
P. O. BOX 161327
AUSTIN, TX 78716

EXAMINER
TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/081,029	BROWN ET AL.
	Examiner	Art Unit	
	Barry W. Taylor	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 May 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,2,4-7,9-12,14,16-26,30-36,40-46 and 50-65_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,4-7,9-12,14,16-26,30-36,40-46 and 50-65_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The affidavit filed on 9/20/2004 under 37 CFR 1.131 has been considered but is

ineffective to overcome the Kuhn et al (6,724,866 B2) reference. The affidavit is

unsigned therefore not considered.

The affidavit filed on 4/25/05 under 37 CFR 1.131 is sufficient to overcome the

Kuhn et al (6,724,866 B2) reference since Applicants representative has completed the

affidavit by having <u>all</u> named inventors sign.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on 6/8/05 has been

considered by the examiner.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See In re Goodman, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, In re Thorington,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).
Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

3.   Claims 1-2, 4-7,9-12,14,16-26,30-36,40-46,50-65 are rejected under the judicially

created doctrine of obviousness-type double patenting as being unpatentable over

claims 1-39 of U.S. Patent No. 6,917,672 B2 (Brown et al hereinafter Brown). Although

the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-39 Brown are similar in scope to claims 1-2, 4-7,9-12,14,16-26,30-36,40-46,50-65 of the present application with various wording variations.

For example, the present applicant generally claims a method for regulating calls, comprising: detecting a context for a call from a first party to a second party via a particular line, wherein a third party subscribes to a telephone service made available to said first party for said call and Brown generally claims a method for regulating calls, comprising: detecting an identity of a caller to a call and an identity of a callee logged in to receive call.

The present application generally claims comparing said context for said call with a selection of context based criteria for said particular line specified by said third party and Brown generally claims accessing a selection of third party criteria for regulating a call between said caller identity and said callee identity.

The present application generally claims only establishing a communication channel between said first party and said second party through said particular line if said context is acceptable within said selection of context based criteria and Brown generally claims regulating a communication channel between said caller and said callee according to said selection of third party criteria.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.   Claims 1-2, 4-7, 9-12, 14, 16-26, 30-36, 40-46 and 50-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morganstein (5,724,408) in view of Kurganov (6,807,257) or Trossen (6,665,723).

Regarding claims 1, 6 and 11. Morganstein teaches method, comprising:

detecting a context for a call from a first party to second party (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58);

comparing the context for the call with a selection of context based criteria for particular line (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58); and

only establishing a communication channel between the first party and second

party through the particular line if the context is acceptable within the selection of

context based criteria (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5

lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8

line 54, col. 9 lines 27-58).

Morganstein does not explicitly show regulating calls.

Kurganov teaches a method and apparatus for a computer and

telecommunication network (Title, abstract) that allows subscribers the ability to send

and receive messages, access information and entertainment, conduct business

transactions, organize daily schedules and stay in touch with homes and offices from

anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col.

2 lines 24-34). Kurganov discloses the network-based solution provides a contact

database facilitating the placing of calls, screening of calls, and tracking you down

wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition

software, standard touchtones and internet for allowing subscribers access to features

(col. 4 line 64 – col. 6 line 67).

According to Applicants, Morganstein in view of Kurganov fail to teach detecting

a context for a call from a first party to a second party via a particular line, wherein a

third party subscribes to a telephone service made available to said first party for said

call (see page 34, paper dated 5/25/05). The Examiner is not sure what Applicants

mean? The Examiner has performed a text search of Applicants specification and the terms "a third party subscribes to a telephone service" cannot be found? It appears, that a subscriber sets up parameters for the network (i.e. third party) to use. The Examiner notes that the terms "particular line specified by said third party" do not appear in any paragraphs either (i.e. also silent in specification).

Trossen teaches an external trusted party (i.e. third party) call processing environment (title, abstract). Trossen invention relates to an extension to call processing that enable trusted third-party entity to perform context-specific call processing (col. 1 lines 5-10, lines 57-62, col. 2 lines 12-15, line 42). Trossen teaches that by outsourcing call processing to trusted third party allows for context-specific information such as location-based call processing and mood-based call processing (col. 3 lines 23-40, col. 3 line 62 – col. 4 line 34) to be used thereby allowing specific user to reject callers or certain calling phone numbers (col. 4 lines 35-67).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to utilize the teachings of Kurganov or Trossen into the teachings of Morganstein in order to providing for a more flexible system that allows subscribers the ability to predefine context-specific information to be used by external trusted party so that only calls from the trusted party are received.

Regarding claims 2, 7 and 12. Morganstein fails to show using call screener. Kurganov teaches a method and apparatus for a computer and telecommunication network (Title, abstract) that allows subscribers the ability to send and receive

messages, access information and entertainment, conduct business transactions,

organize daily schedules and stay in touch with homes and offices from anywhere, at

any time (col. 1 lines 26-56) from any standard communication device (col. 2 lines 24-

34). Kurganov discloses the network-based solution provides a contact database

facilitating the placing of calls, screening of calls, and tracking you down wherever you

are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition software, standard

touchtones and internet for allowing subscribers access to features (col. 4 line 64 – col.

6 line 67).

Trossen also teaches call screener wherein context-specific information used by

a trusted third party is used (col. 3 lines 23-40, col. 3 line 62 – col. 4 line 34) to be used

thereby allowing specific user to reject callers or certain calling phone numbers (col. 4

lines 35-67).

It would have been obvious for anyone of ordinary skill in the art at the time of

invention to modify the processor as taught by Morganstein to use the network based

solution as taught by Kurganov for the benefit of allowing user to subscribe to network

based service as taught by Kurganov thereby providing for a more flexible system that

allows subscribers the ability to stay in touch with homes and offices from any location

as taught by Kurganov.

Regarding claims 4 and 9. Morganstein allows calling party to select extension

number associated with the called party (col. 4 lines 41-43).

Regarding claims 5 and 10. Morganstein shows the call processor designating the selection of context-based criteria (col. 5 lines 3-63, col. 7 lines 52-67, col. 8 lines 14-20).

Regarding claim 14. Morganstein fails to show third party criteria.

Kurganov teaches a method and apparatus for a computer and telecommunication network (Title, abstract) that allows subscribers the ability to send and receive messages, access information and entertainment, conduct business transactions, organize daily schedules and stay in touch with homes and offices from anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col. 2 lines 24-34). Kurganov discloses the network-based solution provides a contact database facilitating the placing of calls, screening of calls, and tracking you down wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition software, standard touchtones and internet for allowing subscribers access to features (col. 4 line 64 – col. 6 line 67).

According to Applicants, Morganstein in view of Kurganov fail to teach regulating telephone calls via third party criteria (see page 38 of paper dated 5/25/05). The Examiner is not sure what Applicants mean? The Examiner has performed a text search of Applicants specification and the terms "detecting an identity of a party called via a particular line" cannot be found? The Examiner notes that Applicants conflicting patent (see Double Patenting listed above) teaches utilizing a line for call to determine

identity (see conflicting patent 6,917,672 Brown et al **especially col. 24 lines 12-15**).

The Examiner preformed a text search of Applicants specification and cannot find

"determining a selection of third party criteria governing calls via said particular line

according to said identity of said called party". Furthermore, the Examiner cannot find

the term "channel" in same paragraph as the term "line". It appears, that a subscriber

sets up parameters for the network (i.e. third party) to use.

Trossen teaches an external trusted party (i.e. third party) call processing

environment (title, abstract). Trossen invention relates to an extension to call

processing that enable trusted third-party entity to perform context-specific call

processing (col. 1 lines 5-10, lines 57-62, col. 2 lines 12-15, line 42). Trossen teaches

that by outsourcing call processing to trusted third party allows for context-specific

information such as location-based call processing and mood-based call processing

(col. 3 lines 23-40, col. 3 line 62 – col. 4 line 34) to be used thereby allowing specific

user to reject callers or certain calling phone numbers (col. 4 lines 35-67).

It would have been obvious for anyone of ordinary skill in the art at the time of

invention to utilize the teachings of Kurganov or Trossen into the teachings of

Morganstein in order to providing for a more flexible system that allows subscribers the

ability to predefine context-specific information to be used by external trusted party so

that only calls from the trusted party are received.

Regarding claims 16, 19 and 22. Morganstein teaches method, comprising:

detecting a context for a call from a first party to second party (abstract, col. 3
lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines
4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58);

comparing the context for the call with a selection of context based criteria for
particular line (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36,
col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col.
9 lines 27-58); and

only establishing a communication channel between the first party and second
party through the particular line if the context is acceptable within the selection of
context based criteria (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5
lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8
line 54, col. 9 lines 27-58).

Morganstein does not explicitly show call screener.

Kurganov teaches a method and apparatus for a computer and
telecommunication network (Title, abstract) that allows subscribers the ability to send
and receive messages, access information and entertainment, conduct business
transactions, organize daily schedules and stay in touch with homes and offices from
anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col.
2 lines 24-34). Kurganov discloses the network-based solution provides a contact
database facilitating the placing of calls, screening of calls, and tracking you down
wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition

software, standard touchtones and internet for allowing subscribers access to features
(col. 4 line 64 – col. 6 line 67).

According to Applicant, Morganstein in view of Kurganov fail to teach wherein the
context includes location of first party (see page 42, pager dated 5/25/05).

Trossen teaches an external trusted party (i.e. third party) call processing
environment (title, abstract). Trossen invention relates to an extension to call
processing that enable trusted third-party entity to perform context-specific call
processing (col. 1 lines 5-10, lines 57-62, col. 2 lines 12-15, line 42). Trossen teaches
that by outsourcing call processing to trusted third party allows for context-specific
information such as location-based call processing and mood-based call processing
(col. 3 lines 23-40, col. 3 line 62 – col. 4 line 34) to be used thereby allowing specific
user to reject callers or certain calling phone numbers (col. 4 lines 35-67).

It would have been obvious for anyone of ordinary skill in the art at the time of
invention to utilize the teachings of Kurganov or Trossen into the teachings of
Morganstein in order to providing for a more flexible system that allows subscribers the
ability to predefine context-specific information to be used by external trusted party so
that only calls from the trusted party are received.

Regarding claims 17, 20 and 23. Morganstein fails to show communication
between call screener and calling party.

Kurganov teaches a method and apparatus for a computer and

telecommunication network (Title, abstract) that allows subscribers the ability to send

and receive messages, access information and entertainment, conduct business

transactions, organize daily schedules and stay in touch with homes and offices from

anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col.

2 lines 24-34). Kurganov discloses the network-based solution provides a contact

database facilitating the placing of calls, screening of calls, and tracking you down

wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition

software, standard touchtones and internet for allowing subscribers access to features

(col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of

invention to modify the processor as taught by Morganstein to use the network based

solution as taught by Kurganov for the benefit of allowing user to subscribe to network

based service as taught by Kurganov thereby providing for a more flexible system that

allows subscribers the ability to stay in touch with homes and offices from any location

as taught by Kurganov.

Regarding claims 18, 21 and 24. Morganstein fails to show communication

between call screen and called party.

Kurganov teaches a method and apparatus for a computer and

telecommunication network (Title, abstract) that allows subscribers the ability to send

and receive messages, access information and entertainment, conduct business

transactions, organize daily schedules and stay in touch with homes and offices from

anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col.

2 lines 24-34). Kurganov discloses the network-based solution provides a contact

database facilitating the placing of calls, screening of calls, and tracking you down

wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition

software, standard touchtones and internet for allowing subscribers access to features

(col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of

invention to modify the processor as taught by Morganstein to use the network based

solution as taught by Kurganov for the benefit of allowing user to subscribe to network

based service as taught by Kurganov thereby providing for a more flexible system that

allows subscribers the ability to stay in touch with homes and offices from any location

as taught by Kurganov.

Regarding claims 25, 35 and 45. Morganstein teaches method, system and

program comprising:

detecting a context for a call from a first party to second party (abstract, col. 3

lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36, col. 6 lines 24-65, col. 6 lines

4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col. 9 lines 27-58);

comparing the context for the call with a selection of context based criteria for

particular line (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5 lines 1-36,

col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8 line 54, col.

9 lines 27-58); and

only establishing a communication channel between the first party and second

party through the particular line if the context is acceptable within the selection of

context based criteria (abstract, col. 3 lines 27-32, col. 3 line 33 – col. 4 line 63, col. 5

lines 1-36, col. 6 lines 24-65, col. 6 lines 4-12, col. 6 lines 47-50, col. 7 line 13 – col. 8

line 54, col. 9 lines 27-58).

Kurganov teaches a method and apparatus for a computer and

telecommunication network (Title, abstract) that allows subscribers the ability to send

and receive messages, access information and entertainment, conduct business

transactions, organize daily schedules and stay in touch with homes and offices from

anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col.

2 lines 24-34). Kurganov discloses the network-based solution provides a contact

database facilitating the placing of calls, screening of calls, and tracking you down

wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition

software, standard touchtones and internet for allowing subscribers access to features

(col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of

invention to modify the processor as taught by Morganstein to use the network based

solution as taught by Kurganov for the benefit of allowing user to subscribe to network

based service as taught by Kurganov thereby providing for a more flexible system that

allows subscribers the ability to stay in touch with homes and offices from any location

as taught by Kurganov.

Applicants contend that Morganstein in view of Kurganov fail to teach detecting

an identity of a caller placing a call from a particular line number, wherein a third party

independent for said caller subscribes for said particular number; accessing regulating

criteria specified by said third party and relevant to said caller identity for said particular

line number; and regulating said call according to said relevant regulation criteria, such

that said third party is enabled to regulate calls from particular line number without being

a direct party to said call. (see pages 45-46, paper dated 5/25/05). The Examiner is not

sure what Applicants mean? Applicants continue to argue claim language but fail to

explain what the claim language means. Therefore, it appears, that a subscriber sets

up parameters for the network (i.e. third party) to use. The Examiner notes that the

terms "third party independent of said caller subscribes for said particular line number"

do not appear in Applicants specification).

Trossen teaches an external trusted party (i.e. third party) call processing

environment (title, abstract). Trossen invention relates to an extension to call

processing that enable trusted third-party entity to perform context-specific call

processing (col. 1 lines 5-10, lines 57-62, col. 2 lines 12-15, line 42). Trossen teaches

that by outsourcing call processing to trusted third party allows for context-specific

information such as location-based call processing and mood-based call processing

(col. 3 lines 23-40, col. 3 line 62 – col. 4 line 34) to be used thereby allowing specific

user to reject callers or certain calling phone numbers (col. 4 lines 35-67).

It would have been obvious for anyone of ordinary skill in the art at the time of

invention to utilize the teachings of Kurganov or Trossen into the teachings of

Morganstein in order to providing for a more flexible system that allows subscribers the

ability to predefine context-specific information to be used by external trusted party so

that only calls from the trusted party are received.

Regarding claims 26, 36 and 46. Morganstein teaches fails to uses voice to

authenticate.

Kurganov teaches a method and apparatus for a computer and

telecommunication network (Title, abstract) that allows subscribers the ability to send

and receive messages, access information and entertainment, conduct business

transactions, organize daily schedules and stay in touch with homes and offices from

anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col.

2 lines 24-34). Kurganov discloses the network-based solution provides a contact

database facilitating the placing of calls, screening of calls, and tracking you down

wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition

software, standard touchtones and internet for allowing subscribers access to features

(col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of

invention to modify the processor as taught by Morganstein to use the network based

solution as taught by Kurganov for the benefit of allowing user to subscribe to network

based service as taught by Kurganov thereby providing for a more flexible system that

allows subscribers the ability to stay in touch with homes and offices from any location

as taught by Kurganov.

Regarding claims 30, 40 and 50. Morganstein teaches the processor (10 figure

1) can be located locally (see PBX 14 figure 1).

Regarding claims 31, 41 and 51. Morganstein fails to show using external

database. Kurganov teaches a method and apparatus for a computer and

telecommunication network (Title, abstract) that allows subscribers the ability to send

and receive messages, access information and entertainment, conduct business

transactions, organize daily schedules and stay in touch with homes and offices from

anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col.

2 lines 24-34). Kurganov discloses the network-based solution provides a contact

database facilitating the placing of calls, screening of calls, and tracking you down

wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition

software, standard touchtones and internet for allowing subscribers access to features

(col. 4 line 64 – col. 6 line 67).

Regarding claims 32, 42 and 52. Morganstein shows prompting caller for

particular extension path to connect (see PBX 14 used to direct incoming call to path 24

or path 25).

Regarding claims 33, 43 and 53. Morganstein fails to show controlling access.

Kurganov teaches a method and apparatus for a computer and

telecommunication network (Title, abstract) that allows subscribers the ability to send

and receive messages, access information and entertainment, conduct business

transactions, organize daily schedules and stay in touch with homes and offices from

anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col.

2 lines 24-34). Kurganov discloses the network-based solution provides a contact

database facilitating the placing of calls, screening of calls, and tracking you down

wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition

software, standard touchtones and internet for allowing subscribers access to features

(col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of

invention to modify the processor as taught by Morganstein to use the network based

solution as taught by Kurganov for the benefit of allowing user to subscribe to network

based service as taught by Kurganov thereby providing for a more flexible system that

allows subscribers the ability to stay in touch with homes and offices from any location

as taught by Kurganov.

Regarding claims 34, 44 and 54. Morganstein fails to teach monitoring call.

Kurganov teaches a method and apparatus for a computer and

telecommunication network (Title, abstract) that allows subscribers the ability to send

and receive messages, access information and entertainment, conduct business

transactions, organize daily schedules and stay in touch with homes and offices from

anywhere, at any time (col. 1 lines 26-56) from any standard communication device (col.

2 lines 24-34). Kurganov discloses the network-based solution provides a contact

database facilitating the placing of calls, screening of calls, and tracking you down

wherever you are (col. 3 line 5 – col. 4 line 63). Kurganov uses voice recognition

software, standard touchtones and internet for allowing subscribers access to features

(col. 4 line 64 – col. 6 line 67).

It would have been obvious for anyone of ordinary skill in the art at the time of

invention to modify the processor as taught by Morganstein to use the network based

solution as taught by Kurganov for the benefit of allowing user to subscribe to network

based service as taught by Kurganov thereby providing for a more flexible system that

allows subscribers the ability to stay in touch with homes and offices from any location

as taught by Kurganov.

Regarding claim 55. Kurganov teaches context comprises location of

subscribers (col. 3 lines 5-10, col. 4 lines 20-24, col. 4 lines 41-52, col. 5 lines 9-22, col.

5 lines 42-65, col. 5 line 65 – col. 6 line 36, col. 6 line 53 – col. 7 line 2, col. 7 lines 29-

48).

5.   Claims 55-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Morganstein (5,724,408) in view of Kurganov (6,807,257) or Trossen (6,665,723) further

in view of Farris et al (6,122,357 hereinafter Farris).

Regarding claims 55 and 60. Morganstein in view of Kurganov or Trossen fail to

teach the context comprises location of the caller and callee.

Farris teaches providing enhanced services through double SIV and personal dial tone (title, abstract) wherein the identity of a caller and callee is determined via speaker identification/verification (SIV) on audio signals received from users (col. 11 lines 32-42, col. 35 lines 18-40) enabling for call restrictions to be implanted from any location and different types of telephony devices (see pay-phone or hotel room telephony---column 14). Farris discloses the service may be utilize a variety of different networks (col. 8 lines 12-14).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to utilize the teachings of Farris into the teachings of Morganstein in view of Kurganov or Trossen for the benefit of authenticating both the calling and callee parties thereby providing for a more flexible system that "challenges" both the callee and calling party before implementing call restrictions as taught by Farris.

Regarding claims 56, 61 and 65. . Morganstein in view of Kurganov or Trossen fail to teach the actual identify of calling and called party.

Farris teaches providing enhanced services through double SIV and personal dial tone (title, abstract) wherein the identity of a caller and callee is determined via speaker identification/verification (SIV) on audio signals received from users (col. 11 lines 32-42, col. 35 lines 18-40) enabling for call restrictions to be implanted from any location and different types of telephony devices (see pay-phone or hotel room telephony---column 14). Farris discloses the service may be utilize a variety of different networks (col. 8 lines 12-14).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to utilize the teachings of Farris into the teachings of Morganstein in view of Kurganov or Trossen for the benefit of authenticating both the calling and callee parties thereby providing for a more flexible system that "challenges" both the callee and calling party before implementing call restrictions as taught by Farris.

Regarding claims 57 and 62. Morganstein in view of Kurganov or Trossen fail to teach type of telephony device.

Farris teaches providing enhanced services through double SIV and personal dial tone (title, abstract) wherein the identity of a caller and callee is determined via speaker identification/verification (SIV) on audio signals received from users (col. 11 lines 32-42, col. 35 lines 18-40) enabling for call restrictions to be implanted from any location and different types of telephony devices (see pay-phone or hotel room telephony---column 14). Farris discloses the service may be utilize a variety of different networks (col. 8 lines 12-14).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to utilize the teachings of Farris into the teachings of Morganstein in view of Kurganov or Trossen for the benefit of authenticating both the calling and callee parties thereby providing for a more flexible system that "challenges" both the callee and calling party before implementing call restrictions as taught by Farris.

Regarding claims 58 and 63. Morganstein in view of Kurganov or Trossen fail to teach type of billing plan.

Farris teaches providing enhanced services through double SIV and personal

dial tone (title, abstract) wherein the identity of a caller and callee is determined via

speaker identification/verification (SIV) on audio signals received from users (col. 11

lines 32-42, col. 35 lines 18-40) enabling for call restrictions to be implanted from any

location and different types of telephony devices (see pay-phone or hotel room

telephony---column 14). Farris discloses the service may be utilize a variety of different

networks (col. 8 lines 12-14).

It would have been obvious for anyone of ordinary skill in the art at the time of

invention to utilize the teachings of Farris into the teachings of Morganstein in view of

Kurganov or Trossen for the benefit of authenticating both the calling and callee parties

thereby providing for a more flexible system that "challenges" both the callee and calling

party before implementing call restrictions as taught by Farris.

Regarding claims 59 and 64. Morganstein in view of Kurganov or Trossen fail to

teach type of device.

Farris teaches providing enhanced services through double SIV and personal

dial tone (title, abstract) wherein the identity of a caller and callee is determined via

speaker identification/verification (SIV) on audio signals received from users (col. 11

lines 32-42, col. 35 lines 18-40) enabling for call restrictions to be implanted from any

location and different types of telephony devices (see pay-phone or hotel room

telephony---column 14). Farris discloses the service may be utilize a variety of different

networks (col. 8 lines 12-14).

It would have been obvious for anyone of ordinary skill in the art at the time of invention to utilize the teachings of Farris into the teachings of Morganstein in view of Kurganov or Trossen for the benefit of authenticating both the calling and callee parties thereby providing for a more flexible system that "challenges" both the callee and calling party before implementing call restrictions as taught by Farris.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-2, 4-7, 9-12, 14, 16-26, 30-36, 40-46 and 50-65 have been considered but are moot in view of the new ground(s) of rejection.
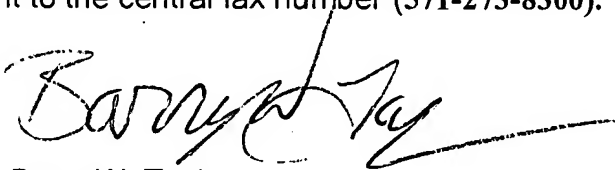
Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Friday, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (571) 272-7499. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Centralized Delivery Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number **(571-273-8300).**

Barry W. Taylor
Patent Examiner
Technology Center 2600
Art Unit 2643